

MONDAY, FEBRUARY 9, 1998

SIXTY-THIRD LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Bill Richardson, Ostella Church of Christ, Cornersville, Tennessee.

Representative Sands led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Churnney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Jackson; personal reasons

Representative Hassell; business reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 466: Rep(s). Bowers, L. DeBerry and Brown as prime sponsor(s).

House Bill No. 1694: Rep(s). Halteman Harwell as prime sponsor(s).

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House Bill No. 2376: Rep(s). Stamps as prime sponsor(s).

House Bill No. 2547: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 2553: Rep(s). Stamps as prime sponsor(s).

House Bill No. 2583: Rep(s). Cross, Wood, Fowlkes, Rinks, Newton, Williams, Hood, Bone, Head, U. Jones, Givens, Kerr, Cole(Carter), Goins, Westmoreland, Pinion, Tidwell, McKee, Phelan, Walley, Cole(Dyer), Stamps and Gunnels as prime sponsor(s).

House Bill No. 2631: Rep(s). Scroggs, L. DeBerry and Hassell as prime sponsor(s).

House Bill No. 2670: Rep(s). Caldwell as prime sponsor(s).

House Bill No. 2893: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 2904: Rep(s). Eckles as prime sponsor(s).

House Bill No. 2949: Rep(s). Stamps as prime sponsor(s).

House Bill No. 3107: Rep(s). Newton as prime sponsor(s).

**MESSAGE FROM THE GOVERNOR
February 6, 1998**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2036 and 2049, also, House Joint Resolution(s) No(s). 460, 461, 462, 463 and 485; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE
February 9, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 444; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 444 -- General Assembly, Adjournment, Recess - Observation of President's Day Holiday; reconvenes on Wednesday, February 18, 1998. by *Crutchfield, *Atchley.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 11, 1998:

House Resolution No. 145 -- Memorials, Retirement - Lorean E. Jones. by *Brooks, *Turner (Shelby), *Miller L, *Cooper B, *Pruitt, *Jones U (Shelby), *Bowers, *Langster, *Towns, *DeBerry J, *Armstrong, *DeBerry L.

House Joint Resolution No. 518 -- Memorials, Sports - 1997 East Ride High School volleyball team, TSSAA, Division 1, Class 3-A state champions. by *Sharp, *Armstrong, *Arriola, *Beavers, *Bird, *Bittle, *Bone, *Boner, *Bowers, *Boyer, *Brooks, *Buck, *Burchett, *Caldwell, *Chumney, *Clabough, *Cole (Carter), *Cole (Dyer), *Cooper B, *Cross, *Curtiss, *Davidson, *Davis R, *DeBerry J, *DeBerry L, *Dunn, *Eckles, *Ferguson, *Fitzhugh, *Ford S, *Fowlkes, *Fraley, *Garrett, *Givens, *Godsey, *Goins, *Gunnels, *Haley, *Halteman Harwell, *Hargett, *Hargrove, *Hassell, *Head, *Hicks, *Hood, *Huskey, *Jackson, *Jones, S., *Kent, *Kernell, *Kerr, *Kisber, *Langster, *Lewis, *Maddox, *McAfee, *McDaniel, *McDonald, *McMillan, *Miller L, *Mumpower, *Naifeh, *Newton, *Odom, *Patton, *Phelan, *Phillips, *Pinion, *Pleasant, *Pruitt, *Rhinehart, *Ridgeway, *Rinks, *Ritchie, *Roach, *Robinson, *Sands, *Sargent, *Scroggs, *Sharp, *Stulce, *Tidwell, *Tindell, *Towns, *Turner (Hamilton), *Turner (Shelby), *Walker (Rhea), *Walley, *West, *Westmoreland, *White, *Whitson, *Williams (Williamson), *Windle, *Winningham, *Wood.

House Joint Resolution No. 519 -- Memorials, Sports - Catherine Neely, East Ridge High School volleyball coach. by *Sharp.

House Joint Resolution No. 521 -- Memorials, Death - Rudy Braswell. by *McDonald, *Stamps.

House Joint Resolution No. 522 -- Memorials, Sports - Roger Vannoy, Lincoln Memorial University women's basketball coach, 300th collegiate victory. by *Goins.

House Joint Resolution No. 523 -- Memorials, Sports - 1997 Houston High School boys' cross country team, TSSAA Class 3-A state champions. by *Scroggs.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 11, 1998:

Senate Joint Resolution No. 410 -- Memorials, Professional Achievement - Daniel G. Owen, 4-H leader in Bedford County. by *Womack.

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Senate Joint Resolution No. 413 -- Memorials, Professional Achievement - Professor Mark Jarman, National Book Critics Circle Award nominee in poetry. by *Henry.

Senate Joint Resolution No. 415 -- Memorials, Sports - 1997 Jellico High School TSSAA Region 2 2-A football players. by *McNally.

Senate Joint Resolution No. 417 -- Memorials, Death - Reverend Hogan Yancy. by *Herron, *Henry.

Senate Joint Resolution No. 418 -- Memorials, Death - Carol Feeney. by *Herron.

Senate Joint Resolution No. 419 -- Memorials, Death - Chancellor Aaron Brown, Sr. by *Herron, *Cohen, *Dixon.

Senate Joint Resolution No. 420 -- Memorials, Professional Achievement - J. C. Carey, Physician's Assistant of the Year. by *Herron.

Senate Joint Resolution No. 421 -- Memorials, Professional Achievement - Hart's Cleaners, 50th anniversary. by *Herron.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3368 -- Driver Licenses - Prohibits department of safety from imposing reinstatement fee to first time applicant who is minor. Amends TCA Section 55-50-321. by *Fraleigh.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2203** -- County Officers - Sets salary for Hawkins County executive under general law formula rather than at general sessions court judges salary. Amends TCA Section 5-6-105. by *Williams.

Senate Bill No. 2243 -- Taxes - Authorizes department of revenue to automatically refund or credit estimated taxes paid in excess of actual liability without audit review. Amends TCA 67-1-1802. by *McNally, *Atchley.

Senate Bill No. 2282 -- Election Laws - Standardizes procedure for timing of certain elections on questions. Amends TCA Section 5-21-126(b)(1); Section 9-21-209; Section 57-4-103(a)(2)(A) and Section 67-6-706(a)(2). by *Rochelle.

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***Senate Bill No. 2328** -- Aircraft and Airports - Provides specific exception from general law for professional requirements for board members on Knox County airport authority to require four seats instead of all governing board to be in one of professional fields of: engineering, law, industry, commerce and finance. Amends TCA Section 42-4-105. by *Atchley, *Clabough (S).

Senate Bill No. 2377 -- Local Government, General - Requires member of local governing body abstaining for any reason other than conflict of interest to be counted for purpose of determining majority vote. Amends TCA Section 12-4-101. by *Burks.

Senate Bill No. 2423 -- County Officers - Permits county executive to hire clerical assistants subject to appropriation of county legislative body. Amends TCA Section 5-6-116; Section 5-6-117 and Section 5-6-118. by *Crutchfield.

***Senate Bill No. 2430** -- Election Laws - Permits disabled or illiterate voter to vote with assistance of any person of voter's choice in presence of judge or election official of different political party. Amends TCA 2-7-116. by *Crutchfield, *Harper.

Senate Bill No. 2601 -- Naming and Designating - "General Clifton B. Cates Armory," Tiptonville, Lake County. by *Herron.

Senate Bill No. 2809 -- Uniform Commercial Code - Permits secretary of state to prescribe acceptable forms for filing of UCC documents. Amends TCA Section 47-9-402(9). by *Crutchfield.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3183 -- Highway Signs -- House Transportation Committee

House Bill No. 3184 -- Criminal Offenses -- House Judiciary Committee

House Bill No. 3185 -- Environmental Preservation -- House Conservation & Environment Committee

***House Bill No. 3186** -- Taxes, Inheritance Gift -- House Finance, Ways & Means Committee

***House Bill No. 3187** -- Public Property -- House State & Local Government Committee

House Bill No. 3188 -- Penal and Reformatory Institutions -- House Judiciary Committee

House Bill No. 3189 -- Public Records -- House Judiciary Committee

***House Bill No. 3190** -- Local Government, General -- House State & Local Government Committee

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***House Bill No. 3191** -- Courts, General Sessions -- House Judiciary Committee

House Bill No. 3192 -- Taxes, Sales -- House State & Local Government Committee

House Bill No. 3193 -- Education -- House Education Committee

***House Bill No. 3194** -- Drug and Alcohol Rehabilitation -- House Commerce Committee

***House Bill No. 3195** -- Real Estate Agents and Brokers -- House Commerce Committee

House Bill No. 3196 -- Game and Fish Laws -- House Conservation & Environment Committee

***House Bill No. 3197** -- Highway Signs -- House Transportation Committee

***House Bill No. 3198** -- Sexual Offenses -- House Judiciary Committee

House Bill No. 3199 -- Environmental Preservation -- House Conservation & Environment Committee

***House Bill No. 3200** -- Hospitals and Health Care Facilities -- House Health & Human Resources Committee

House Bill No. 3201 -- Parks, Natural Areas Preservation -- House Conservation & Environment Committee

House Bill No. 3202 -- Taxes, Sales -- House Education Committee

House Bill No. 3203 -- Criminal Offenses -- House Judiciary Committee

House Bill No. 3204 -- Taxes, Sales -- House State & Local Government Committee

***House Bill No. 3205** -- County Officers -- House State & Local Government Committee

House Bill No. 3206 -- Arrests -- House Judiciary Committee

House Bill No. 3207 -- Employees, Employers -- House Consumer & Employees Affairs Committee

House Bill No. 3208 -- Education, Higher -- House Education Committee

House Bill No. 3209 -- Taxes, Sales -- House Finance, Ways & Means Committee

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House Bill No. 3210 -- Coffee County -- Local Bill Held on House Desk

***House Bill No. 3211** -- Tennessee Wildlife Resources Agency -- House Conservation & Environment Committee

House Bill No. 3212 -- Tennessee Wildlife Resources Agency -- House Government Operations Committee

House Bill No. 3213 -- Tennessee Wildlife Resources Agency -- House Conservation & Environment Committee

House Bill No. 3214 -- Municipal Government -- Caption Bill Held on House Desk

House Bill No. 3215 -- Privacy, Confidentiality -- Caption Bill Held on House Desk

***House Bill No. 3216** -- Mental Illness -- Caption Bill Held on House Desk

House Bill No. 3217 -- Alcoholic Beverages -- House State & Local Government Committee

House Bill No. 3218 -- Insurance, Health, Accident -- House Commerce Committee

***House Bill No. 3219** -- Motor Vehicles, Titling and Registration -- House Finance, Ways & Means Committee

House Bill No. 3220 -- Local Education Agency -- House Education Committee

***House Bill No. 3221** -- Pensions and Retirement Benefits -- House Education Committee

***House Bill No. 3222** -- Courts, General Sessions -- House Judiciary Committee

***House Bill No. 3223** -- Fair Trade Laws -- House Commerce Committee

House Bill No. 3224 -- DUI/DWI Offenses -- House Judiciary Committee

House Bill No. 3225 -- Teachers -- House Education Committee

House Bill No. 3226 -- Taxes, Sales -- House Finance, Ways & Means Committee

***House Bill No. 3227** -- Civil Procedure -- House State & Local Government Committee

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House Bill No. 3228 -- Economic and Community Development -- House State & Local Government Committee

House Bill No. 3229 -- Education -- House Education Committee

House Bill No. 3230 -- TennCare -- House Commerce Committee

House Bill No. 3231 -- Economic and Community Development -- House State & Local Government Committee

House Bill No. 3232 -- Development Districts -- House State & Local Government Committee

***House Bill No. 3233** -- Criminal Offenses -- House Judiciary Committee

House Bill No. 3234 -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 3235** -- Real Estate Agents and Brokers -- House Commerce Committee

House Bill No. 3236 -- Taxes, Sales -- House Government Operations Committee

House Bill No. 3237 -- Women -- House Government Operations Committee

House Bill No. 3238 -- Trade Regulation -- House Commerce Committee

***House Bill No. 3239** -- State Employees -- House Finance, Ways & Means Committee

***House Bill No. 3240** -- Local Government, General -- House Education Committee

***House Bill No. 3241** -- Election Laws -- House State & Local Government Committee

***House Bill No. 3242** -- DUI/DWI Offenses -- Caption Bill Held on House Desk

***House Bill No. 3243** -- Mental Health and Mental Retardation, Dept. of -- Caption Bill Held on House Desk

House Bill No. 3244 -- Insurance, Health, Accident -- House Commerce Committee

House Bill No. 3245 -- Taxes -- House Finance, Ways & Means Committee

House Bill No. 3246 -- DUI/DWI Offenses -- House Judiciary Committee

House Bill No. 3247 -- Taxes, Sales -- House State & Local Government Committee

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House Bill No. 3248 -- Libraries -- House State & Local Government Committee

House Bill No. 3249 -- County Officers -- House State & Local Government Committee

***House Bill No. 3250** -- Education, Dept. of -- House Education Committee

***House Bill No. 3251** -- Education -- House Education Committee

House Bill No. 3252 -- Annexation -- House State & Local Government Committee

House Bill No. 3253 -- Alcoholic Beverages -- House State & Local Government Committee

House Bill No. 3254 -- Tort Liability -- House Judiciary Committee

House Bill No. 3255 -- Municipal Government -- House State & Local Government Committee

***House Bill No. 3256** -- Correctional Programs -- House State & Local Government Committee

House Bill No. 3257 -- Education, Higher -- House Education Committee

House Bill No. 3258 -- Equalization Board -- House State & Local Government Committee

House Bill No. 3259 -- Economic and Community Development -- House State & Local Government Committee

***House Bill No. 3260** -- Tort Liability -- House Judiciary Committee

***House Bill No. 3261** -- Economic and Community Development -- House State & Local Government Committee

House Bill No. 3262 -- Local Education Agency -- House Education Committee

House Bill No. 3263 -- Health -- House Health & Human Resources Committee

House Bill No. 3264 -- Pensions and Retirement Benefits -- House Finance, Ways & Means Committee

House Bill No. 3265 -- Memorials, Government Officials -- House Education Committee

House Bill No. 3266 -- Insurance, Health, Accident -- House Education Committee

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House Bill No. 3267 -- Solid Waste Disposal -- House State & Local Government Committee

House Bill No. 3268 -- Gambling -- House State & Local Government Committee

House Bill No. 3269 -- Nurses, Nursing -- House Health & Human Resources Committee

***House Bill No. 3270** -- Administrative Procedure -- House Government Operations Committee

***House Bill No. 3271** -- Boards and Commissions -- House Government Operations Committee

***House Bill No. 3272** -- Campaigns -- House State & Local Government Committee

***House Bill No. 3273** -- Racing -- House Government Operations Committee

House Bill No. 3274 -- Board of Regents -- House Education Committee

House Bill No. 3275 -- Insurance Companies, Agents, Brokers -- House Commerce Committee

House Bill No. 3276 -- Public Buildings -- House State & Local Government Committee

***House Bill No. 3277** -- Tort Liability -- House Judiciary Committee

House Bill No. 3278 -- Railroads -- House Transportation Committee

House Bill No. 3279 -- Railroads -- House Transportation Committee

House Bill No. 3280 -- Insurance Companies, Agents, Brokers -- House Commerce Committee

***House Bill No. 3281** -- Nurses, Nursing -- House Health & Human Resources Committee

***House Bill No. 3282** -- State Government -- House Government Operations Committee

***House Bill No. 3283** -- Taxes, Privilege -- House Finance, Ways & Means Committee

***House Bill No. 3284** -- Taxes, Privilege -- House Finance, Ways & Means Committee

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***House Bill No. 3285** -- Taxes, Inheritance Gift -- House Finance, Ways & Means Committee

***House Bill No. 3286** -- Custody and Support -- House Children and Family Affairs Committee

House Bill No. 3287 -- Education -- House Education Committee

House Bill No. 3288 -- Banks and Financial Institutions -- House Commerce Committee

House Bill No. 3289 -- Courts, Circuit -- House Judiciary Committee

***House Bill No. 3290** -- Insurance, Health, Accident -- House Commerce Committee

***House Bill No. 3291** -- Election Laws -- House State & Local Government Committee

House Bill No. 3292 -- DUI/DWI Offenses -- House Judiciary Committee

House Bill No. 3293 -- Courts, General Sessions -- House Judiciary Committee

***House Bill No. 3294** -- Education -- House Education Committee

***House Bill No. 3295** -- Local Government, General -- House State & Local Government Committee

House Bill No. 3296 -- Education, Dept. of -- House Education Committee

***House Bill No. 3297** -- Sunshine Law -- House Judiciary Committee

***House Bill No. 3298** -- Annexation -- House State & Local Government Committee

House Bill No. 3299 -- Professions and Occupations -- House Health & Human Resources Committee

***House Bill No. 3300** -- Auditing -- House State & Local Government Committee

***House Bill No. 3301** -- County Officers -- House State & Local Government Committee

***House Bill No. 3302** -- Banks and Financial Institutions -- House Commerce Committee

***House Bill No. 3303** -- Education -- House Education Committee

***House Bill No. 3304** -- Education, Dept. of -- House Education Committee

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***House Bill No. 3305** -- Custody and Support -- Caption Bill Held on House Desk

***House Bill No. 3306** -- Taxes, Sales -- House Finance, Ways & Means Committee

***House Bill No. 3307** -- Correction, Dept. of -- House Government Operations Committee

***House Bill No. 3308** -- Bond Issues -- House Finance, Ways & Means Committee

***House Bill No. 3309** -- Appropriations -- House Finance, Ways & Means Committee

House Bill No. 3310 -- General Assembly -- House State & Local Government Committee

House Bill No. 3311 -- General Assembly, Studies -- House State & Local Government Committee

House Bill No. 3312 -- Culture -- House State & Local Government Committee

House Bill No. 3313 -- Highway Signs -- House Transportation Committee

***House Bill No. 3314** -- State Prisoners -- House Judiciary Committee

***House Bill No. 3315** -- Domestic Violence -- House Children and Family Affairs Committee

***House Bill No. 3316** -- Business and Commerce -- House Commerce Committee

***House Bill No. 3317** -- Highways, Roads and Bridges -- House Transportation Committee

***House Bill No. 3318** -- Banks and Financial Institutions -- House Commerce Committee

House Bill No. 3319 -- Banks and Financial Institutions -- House Commerce Comm

***House Bill No. 3320** -- TennCare -- House Commerce Committee

***House Bill No. 3321** -- Fees -- House Commerce Committee

***House Bill No. 3322** -- Wildlife Resources Commission -- House Conservation & Environment Committee

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House Bill No. 3323 -- Pensions and Retirement Benefits -- House Education Committee

House Bill No. 3324 -- Common Carriers -- House Transportation Committee

***House Bill No. 3325** -- Salaries and Benefits -- Caption Bill Held on House Desk

***House Bill No. 3326** -- Pensions and Retirement Benefits -- House Finance, Ways & Means Committee

***House Bill No. 3327** -- Local Government, General -- House State & Local Government Committee

***House Bill No. 3328** -- Right to Die -- House Judiciary Committee

***House Bill No. 3329** -- Right to Die -- House Judiciary Committee

***House Bill No. 3330** -- Pensions and Retirement Benefits -- House State & Local Government Committee

House Bill No. 3331 -- Medical Occupations -- House Health & Human Resources Committee

***House Bill No. 3332** -- Criminal Offenses -- House Judiciary Committee

***House Bill No. 3333** -- Highway Signs -- House Transportation Committee

***House Bill No. 3334** -- Hazardous Materials -- House Conservation & Environment Committee

***House Bill No. 3335** -- Pharmacy -- Caption Bill Held on House Desk

House Bill No. 3336 -- State Employees -- House State & Local Government Committee

House Bill No. 3337 -- State Employees -- House State & Local Government Committee

House Bill No. 3338 -- State Employees -- House State & Local Government Committee

House Bill No. 3339 -- State Employees -- House Finance, Ways & Means Committee

***House Bill No. 3340** -- Highway Signs -- House Transportation Committee

***House Bill No. 3341** -- Evidence -- House Judiciary Committee

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***House Bill No. 3342** -- Taxes, Income -- House Finance, Ways & Means Committee

***House Bill No. 3343** -- Taxes, Income -- House Finance, Ways & Means Committee

***House Bill No. 3344** -- Taxes, Franchise -- House Finance, Ways & Means Committee

House Bill No. 3345 -- General Assembly -- House State & Local Government Committee

***House Bill No. 3346** -- Attorneys at Law -- House Judiciary Committee

***House Bill No. 3347** -- Penal and Reformatory Institutions -- Caption Bill Held on House Desk

***House Bill No. 3348** -- Tennessee Wildlife Resources Agency -- House Conservation & Environment Committee

***House Bill No. 3349** -- Children -- House Children and Family Affairs Committee

***House Bill No. 3350** -- Custody and Support -- House Children and Family Affairs Committee

***House Bill No. 3351** -- Custody and Support -- House Children and Family Affairs Committee

***House Bill No. 3352** -- Parks, Natural Areas Preservation -- House Education Committee

***House Bill No. 3353** -- Telecommunications -- Caption Bill Held on House Desk

***House Bill No. 3354** -- Telecommunications -- House Commerce Committee

***House Bill No. 3355** -- Bond Issues -- House Conservation & Environment Committee

***House Bill No. 3356** -- Juvenile Offenders -- House Judiciary Committee

House Bill No. 3357 -- Custody and Support -- House Children and Family Affairs Committee

***House Bill No. 3358** -- Contractors -- House Commerce Committee

***House Bill No. 3359** -- Privacy, Confidentiality -- House Government Operations Committee

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***House Bill No. 3360** -- Day Care -- Caption Bill Held on House Desk

House Bill No. 3361 -- Workers' Compensation -- House Consumer & Employees Affairs Committee

***House Bill No. 3362** -- Children's Services, Dept. of -- House Children and Family Affairs Committee

***House Bill No. 3363** -- Health -- House Finance, Ways & Means Committee

***House Bill No. 3364** -- Highway Signs -- House Transportation Committee

***House Bill No. 3365** -- Historical Sites -- House Conservation & Environment Committee

***House Bill No. 3366** -- Lobbying, Lobbyists -- House State & Local Government Committee

***House Bill No. 3367** -- TennCare -- Caption Bill Held on House Desk

CONSENT CALENDAR

House Bill No. 2678 -- Knox County - Subject to local approval, adds exemption to amusement tax. Amends Chapter 82 of the Private Acts of 1991. by *Burchett, *Kerr, *Ritchie, *Armstrong, *Dunn, *Boyer, *Bittle. (SB2928 by *Atchley)

On motion, House Bill No. 2678 was made to conform with **Senate Bill No. 2928**; the Senate Bill was substituted for the House Bill.

House Bill No. 2962 -- Westmoreland - Subject to local approval, permits sale of city utility system without referendum of people. Amends Chapter 306 of the Private Acts of 1951, as amended. by *McDonald. (SB3104 by *Graves)

House Joint Resolution No. 517 -- Memorials, Professional Achievement - Music City Chorus, 50th Anniversary. by *Boner, *Garrett, *Pruitt, *Langster, *Robinson, *Odom, *Jones, S., *West, *Arriola, *Halteman Harwell.

Senate Joint Resolution No. 394 -- Memorials, Death - George Lloyd Langford. by *Rochelle, *Atchley, *Burks, *Carter, *Clabough (S), *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 398 -- Memorials, Sports - 1997 Riverdale High School football team, TSSAA Division 1, Class 5-A state champions. by *Womack.

Senate Joint Resolution No. 401 -- Memorials, Retirement - Reverend Bill Sherman, Woodmont Baptist Church. by *Henry.

Senate Joint Resolution No. 402 -- Memorials, Death - Sandra "Sande" Knight Graham. by *Haynes.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2962: by Rep. Bowers

Under the rules, House Bill No: 2962 was/were placed at the foot of the calendar for February 12, 1998.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Patton -- 1.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2048** -- Loan Companies - Increases permissible bad check fee from \$15.00 to amount not to exceed \$20.00. Amends TCA Section 45-5-403(7). by *Rhinehart. (SB2191 by *Rochelle)

Rep. Rhinehart moved that House Bill No(s). 2048 be reset for the Regular Calendar on February 12, 1998, which motion prevailed.

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***House Bill No. 2052** -- Sunset Laws - Cragfont restoration commission, June 30, 2006; prohibits new members from being appointed; terminates commission when not enough members for quorum. Amends TCA Title 4, Chapter 13 and Title 4, Chapter 29. by *Kernell, *Garrett, *Brooks. (SB2092 by *Springer)

On motion, House Bill No. 2052 was made to conform with **Senate Bill No. 2092**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 2092** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2161 -- Sunset Laws - Petroleum underground storage tank board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 215. by *Kernell, *Garrett, *Brooks. (*SB2095 by *Springer)

Rep. Kernell moved that **House Bill No. 2161** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

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A motion to reconsider was tabled.

House Bill No. 2168 -- Sunset Laws - Higher education and technical institution publication committee, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 12, Chapter 7. by *Kernell, *Garrett, *Brooks. (*SB2118 by *Springer, *Dixon)

On motion, House Bill No. 2168 was made to conform with **Senate Bill No. 2118**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 2118** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Nalfeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2169 -- Sunset Laws - Public livestock market board, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 44, Chapter 12. by *Kernell, *Garrett, *Brooks. (*SB2094 by *Springer, *Dixon)

On motion, House Bill No. 2169 was made to conform with **Senate Bill No. 2094**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 2094** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

MONDAY, FEBRUARY 9, 1998 -- SIXTY-THIRD LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Davis, **House Bill No. 2810** was withdrawn from the House.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 444 out of order, which motion prevailed.

Senate Joint Resolution No. 444 -- General Assembly, Adjournment, Recess - Observation of President's Day Holiday; reconvenes on Wednesday, February 18, 1998. by *Crutchfield, *Atchley.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved to suspend the rules to allow House Bill No. 3089 to be heard in the Finance, Ways and Means Committee on Tuesday, February 10, 1998, which motion prevailed.

BILLS WITHDRAWN

On motion of Rep. Sharp, **House Bill No. 1860** was recalled from the Health & Human Resources Committee and withdrawn from the House.

REPORT FILED

The Clerk announced that pursuant to TCA 50-7-506, the Department of Employment Security has filed its annual Unemployment Insurance Trust Fund Balance Report with the Clerk's office.

MESSAGE FROM THE SENATE

February 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2191; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2191 -- Loan Companies - Increases permissible bad check fee from \$15.00 to amount not to exceed \$20.00. Amends TCA Section 45-5-403(7). by *Rochelle.

ENGROSSED BILLS

February 9, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2161, also, House Joint Resolution(s) No(s). 517.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

February 9, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 491, 492, 493, 494, 495 and 498; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell,

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Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, February 12, 1998.